



# architects

a publication of the california architects board - public protection through examination, licensure, and regulation

Volunteers Recognized

## 2005 Octavius Morgan Award Winners

Each year, the California Architects Board presents the Octavius Morgan Distinguished Service Award to volunteers. "Despite how busy architects are, they recognize the importance of serving. The award is our way of thanking volunteers for their dedication to the profession," says Board president, Jeffrey Heller. Following are profiles of the 2005 award winners.



« Andrew Barker





« Paul Neel, FAIA, CDS

#### **Andrew Barker**

When Andrew Barker was in junior high, he went house hunting with his parents in the San Fernando Valley. That experience sparked an interest that led to his career in architecture. "I started drawing sketches and floor plans and building models of houses I designed," Barker says.

Despite his early interest in architecture, this Octavius Morgan Award recipient had an unusual journey to licensure. Barker's higher education began at California Polytechnic State University, San Luis Obispo. A series of circumstances later led Barker to San Diego State University, where he began working towards a degree in Environmental Design. One of Barker's instructors was architect Leonard Veitzer, FAIA. "Leonard set up special study courses for me," Barker explains. "He found sites in the city and created scenarios as if he was a client. I designed projects based on the client's needs.'

Following graduation, Barker worked with Veitzer while getting a Master's in Art with a specialization in Architectural Models. He spent a total of five years working with his "mentor." As a result of his unusual, but thorough training, Barker passed the state and oral exams the first time, obtaining his license in 1978.

Barker has been involved in the profession as both an instructor and architect. During his career, Barker worked on a range of residential, civic, and U. S. Naval projects as a principal architect with Mosher/Drew/Watson/ Ferguson. He also spent five years as an adjunct professor of design in the Art Department at San Diego State University. Barker spent the past 14 years working with Reuel Young at Interactive Design Corp. in Palm Springs. In June 2004, Barker was diagnosed with ALS (Lou Gehrig's disease), and he retired in 2005 as the neuromuscular disease took away his ability to draw and walk.

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#### President's Message

By Jeffrey D. Heller, FAIA, Board President

# Preparing for the Future of the Profession

In our increasingly complex professional world, putting the right team in place is a challenge for any firm. That task has been particularly daunting for many firms lately because it appears that the demand for design professionals outstrips the supply.

As has been mentioned previously, one of the Board's major goals is to encourage a higher number of graduates and candidates to enter the architectural profession. To that end, the Board is continually looking for ways to smooth the path to licensure.

All students who want to receive their license need assistance. They need encouragement, information, experience, and motivation. We all have a tremendous role to play in making sure they receive those things. It is, after all, our responsibility to train the next generation of architects. Remember, when each of us started out, an architect took us under his or her wing and trained us. Yes, the mentoring we received may have varied, but the model is something that has been important to the vitality of the profession since its inception.

The Board's structured internship requirement helps provide the format for such learning. The national Intern Development Program (IDP) along with the Board's evidence-based overlay, Comprehensive Intern Development Program (CIDP), give you the tools to create a culture for quality training. CIDP, in particular, helps provide a context for the learning, and serves as a catalyst for the interaction between the supervisor and the intern.

While some may be concerned about the impact of the internship requirement on firms (and interns), reports from prominent participants in the program mitigate those issues. The return on investment in this program is exponential. It translates to loyalty, productivity, and a strong future for the profession.

If you have not yet ramped up for the program, I urge you to do so now. Take advantage of the vast resources on the Board's Web site (www.cab.ca.gov). Many AIA chapters have programs to assist you, and the Board provides training on CIDP at many different forums. It is important — indeed essential to the vitality of the profession — that we work together to leverage this opportunity and make sure we are preparing for the future of the profession.

# BOARD ELECTS 2006 Officers

At its December 2005 meeting, the Board elected its 2006 officers.

PRESIDENT—Jeffrey D. Heller, FAIA, architect member of the Board since 2002, has been a practicing architect for 40 years. He is the founder and president of Heller Manus Architects in San Francisco. Heller is past-president of the Board and is presently serving on the Board's Executive Committee and Professional Qualifications Committee.

VICE PRESIDENT—Larry Guidi, public member of the Board since 2002, has served as Mayor of Hawthorne since 1993. He has more than 25 years of experience in international trade, investments, business and real estate, and property and construction management. Guidi is presently serving on the Board's Executive Committee, and he chairs the Regulatory and Enforcement Committee.

SECRETARY—Kirk Miller, FAIA, architect member of the Board since 1997, has been a practicing architect since 1977. He is president of Kirk Miller Affiliates, a San Francisco architecture firm. Miller is presently serving on the Board's Executive Committee and chairs the Professional Qualifications Committee.



#### **Octavius Morgan Award Winners**

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Since 1989, Barker has served CAB in a variety of volunteer roles, including spending time as a California Supplemental Examination (CSE) Commissioner and Master Commissioner; working with CSE Pilot Testing and Commissioner Review; and being a member of the CSE Standard Setting Committee. "I became involved as a way to give back to the profession," Barker says. "My involvement with CAB allowed me to apply my interest in both teaching and architecture."

Barker says that serving as a CSE Commissioner benefited his own practice knowledge. "It was an effective way His personal experience and role as an educator give Barker insights into the value of CIDP/IDP. "I think candidates who gain this type of hands-on experience prior to licensure are more marketable and make better architects. I had an outstanding mentoring experience prior to taking the oral exams, and it was very valuable for me."

Barker's ALS has affected his perspective on the responsibility of architects to design in ways that accommodate disabled individuals. "I always tried to be conscious of the Americans with Disabilities Act (ADA) requirements and to design with accessibility issues

Board are a highlight of his professional life. This engineer and former president of the Board was presented the Octavius Morgan award in recognition of his long years of volunteer service.

"Architects are dedicated people," De Pietro says. "I am impressed that so many of them are willing to spend time being commissioners and serving their profession. I've never felt the time I spend with CAB is really work."

De Pietro's involvement with CAB came about through his work as an engineer. After receiving a B.S. degree from Harvey Mudd College, De Pietro went



to stay current about changes in the profession, such as modifications to the Architects Practice Act, as well as energy and Coastal Commission challenges."

Through his experience in the commissioner review process, Barker saw the importance of ensuring the consistency of exams so that all candidates have an equal opportunity. He also enjoyed participating in the standard setting processing for the CSE, which involved developing guidelines regarding acceptable answers to questions.

When asked how he sees the Board's role in California, Barker says, "The process the Board has gone through over the past 25 years to standardize tests has been a great value in ensuring that California has qualified architects to design our structures."

foremost," Barker says. "Now that a wheelchair is my primary mode of transportation, all those things are even more important to me."

When asked how he feels about receiving the Octavius Morgan Award, Barker says, "I feel humbled and honored to receive it. I think that giving back to the profession is part of what makes society better."

Although he is completely retired, Barker says that sometimes "the young kids" from his office come over to discuss project design issues and color schemes. "I enjoy being a mentor when I can," he says. "Architecture has always been the perfect profession for me."

#### Robert De Pietro

According to Robert De Pietro, his years as both a public member and a volunteer for the California Architects on to the University of California, Berkeley where he received an M.S. in Structural Engineering and Structural Mechanics. "Even though I studied engineering, I was always interested in architecture," De Pietro says. "My younger brother Dennis ended up being the architect in the family."

In 1975, the two brothers joined with their parents — who came to America from Italy — to form Frank De Pietro and Sons. As commercial property owners, they often construct or renovate their properties. "Most property owners have a business background," De Pietro says. "But we work more on the technical side of things. We focus on how buildings are put together."

In 1984, Senator David Roberti, the President Pro Tem of the Senate, appointed De Pietro to fill a vacant CAB

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#### **Octavius Morgan Award Winners**

Robert De Pietro, Continued from page 3

seat with two years remaining on the term. De Pietro was later appointed to two full terms, making him one of the longest serving members of the Board. "Since engineering is an allied profession, it was a great fit for me to be a public member of the Board," De Pietro says. "The fact that my brother is an architect gives me more familiarity with the profession."

During his tenure on the Board, De Pietro served as secretary, vice president, and president. He has also served CAB in a voluntary capacity, including more than 20 years on the Regulatory and Enforcement Committee. "Since the work of this committee has the most direct impact on CAB's responsibilities to the public, it's a good place for a public member to serve," De Pietro says. "One of the committee's important accomplishments was the development



of the 'Consumer's Guide to Hiring an Architect'. The guide has been a valuable resource for the public."

Another important change made while De Pietro served on the committee was the creation of the architect consultant program in 1985. The consultant works for the Board to review possible regulatory violations. He or she also plays an important role in outreach to building and planning departments to ensure that they are aware of state law with regard to architectural practice. "I think this was an important program developed by the committee," says De Pietro. "As far as I know, no other Board had such a program at the time CAB began it." The consultant also studies statutes and regulations and makes recommendations to staff to ensure that disciplinary actions are consistent.

In 1988, De Pietro served on the Transition Committee, which worked with NCARB to move those who had taken the California Architecture Licensing Examination (CALE) back to the Architect Registration Exam (ARE). "Although our split with NCARB in the late 1980s was difficult, we worked through our differences, and I believe we were stronger as a result. I think Paul Neel, who was Board president at the time, deserves a lot of credit for the way he handled the situation."

De Pietro has been active in many other CAB areas, including recently serving on the Business and Professions Code (BPC) Section 5588/89 Task Force, which made recommendations to the Board about reporting thresholds for settlements.

When asked how he feels about receiving this award, De Pietro says, "Since I received this award from a very worthwhile organization, it means a lot to me."

De Pietro remains involved with his alma mater, serving on the Harvey Mudd College Board of Trustees. De Pietro has one daughter, and when he is not working on projects, he enjoys traveling and gardening. He is also involved in several community, business, and Italian-American organizations as well as being active in a car club for enthusiasts of Italian sports cars.

#### Paul Neel, FAIA, CDS

Paul Neel has an interesting perspective on the important role of architects. "Society has judged past civilizations through their buildings," Neel says. "And future generations will judge us by our buildings. That's why good architecture is important."

Neel is a former member of the California Architects Board, and he served as Board president from 1986 to 1989. Following his time on the Board, Neel continued to serve as a volunteer and still does so today. Neel was presented with the Octavius Morgan award in recognition of his volunteer service to the Board.

Neel received a B.S. in Architectural Engineering from California Polytechnic State University, San Luis Obispo and a Bachelor of Architecture from the University of Southern California. He went on to receive a Master of Architecture and Building Science from the University of Sheffield in England. While studying in England, Neel became interested in building behavior. "This field developed after World War II to investigate how buildings behave in unusual circumstances such as earthquakes, high winds, and bomb blasts," Neel explains.

Following a few years in private practice, Neel became a full-time instructor at Cal Poly and continued to practice part-time. Neel's commitment to his profession was apparent in his teaching. "I always tried to instill a love of architecture in my students," he says.

In 1989, Governor George Deukmejian appointed Neel as the State Architect, and he held that position until 1991. Neel notes that the role of the State Architect has changed substantially since then. "The division is much smaller

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Paul Neel, FAIA, CDS Continued from page 4

now because its responsibilities have been decentralized."

After leaving the Office of the State Architect, Neel became Dean of Cal Poly, San Luis Obispo, College of Architecture and Environmental Design. He served in this position until 1997.

Neel was appointed to the California Architects Board in 1985, and he was a member until 1993. During the early years of Neel's term as Board president, California was administering its own license exam (CALE). Later in his term, CALE was discontinued and California again began requiring the ARE. Neel worked closely with NCARB to resolve the differences that caused CAB to temporarily offer its own exam.

Through his time serving on several CAB committees, Neel has contributed a great deal to the field of architecture. He was chair of the Oral Examination Committee in 1991, and served on the Written Examination Committee from 1993 to 1996. Neel also served on the Professional Qualifications Committee from 1996 to the present. That committee makes recommendations regarding the education, experience, and examination qualifications of those practicing architecture. As an educator, Neel has much to contribute to this area. "It's important for us to protect the public by ensuring that examinations are relevant to the practice of architecture." Neel says.

Neel was on the AIA Education Committee in the 1970s, and he participated in the initial planning of the Intern Development Program (IDP). He supports the need for a structured training program after graduation. "The checks and balances that are in the system mean supervisors aren't left to decide when a person has been adequately trained," Neel says. "The objective standards and test will produce skilled and knowledgeable professionals."

Although he is retired, Neel retains an active license and continues to be involved in consulting projects.



# ARE Rolling Clock ck Implementation

FFECTIVE JANUARY 1, 2006, THE NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) IMPLEMENTED A "ROLLING CLOCK" PROVISION REGARDING THE VALIDITY OF THE ARCHITECT REGISTRATION EXAMINATION (ARE) SCORES.

Candidates for the ARE are required to pass all nine divisions of the exam within a five-year period. Divisions of the ARE that candidates took and passed prior to January 1, 2006 are not subject to the rolling clock requirement. The California Architects Board's regulations were amended to conform with the requirement (California Code of Regulations section 120).

Under the terms of the rolling clock, there are exemption provisions for candidates who were in the exam process prior to 2006 and who had passed one or more ARE divisions prior to 2006.

- Candidates who passed all divisions of the ARE prior to January 1, 2006 are not subject to the rolling clock requirement regardless of when each division was taken.
- Candidates who have passed one or more but not all divisions of the ARE prior
  to January 1, 2006 have five years to pass the remaining divisions. A passing
  grade for any of the remaining divisions is valid for five years, after which time
  the division must be retaken if the remaining ARE divisions have not yet been
  passed. The five-year period commences on the date the first passed division
  is administered after January 1, 2006. Divisions passed before January 1, 2006
  do not have to be retaken.
- Candidates who have not passed any divisions of the ARE before January 1, 2006 are governed by the five-year rolling clock requirement. The five-year period commences on the date when the first passed division is administered and applies to all divisions taken by the candidate.

Information regarding the rolling clock requirements can be found on the Board's Web site at www.cab.ca.gov or on NCARB's Web site at www.ncarb.org or by contacting the Board at (916) 574-7220, ext. 57215.



### **Enforcement Actions**

CAB is responsible for receiving and investigating complaints against licensees and unlicensed persons. CAB also retains the authority to make final decisions on all enforcement actions taken against its licensees. Included below is a brief description of recent enforcement actions taken by CAB against individuals who were found to be in violation of the Architects Practice Act. Every effort is made to ensure the following information is correct. Before making any decision based upon this information, you should contact CAB. Further information on specific violations may also be obtained by contacting the Board's Enforcement Unit at (916) 574-7220, ext. 57208.

#### **ADMINISTRATIVE ACTIONS**

FRED JUCO (Vacaville) Effective
December 28, 2005, Fred Juco's architect
license number C-12006 was revoked; however,
revocation was stayed and Juco was placed
on probation for five years with specific terms
and conditions, including reimbursing the
Board \$3,172.50 for its investigative and
prosecution costs. The action came after a
stipulated settlement was negotiated and
adopted by the Board.

An Accusation was filed against Juco for alleged violations of Business and Professions Code (BPC) sections 5536.1 (Signature and Stamp on Plans and Documents; Unauthorized Practice), 5536.22 (Written Contract), and 5584 (Negligence or Willful Misconduct). The Accusation alleged that Juco failed to sign or affix a seal to plans he prepared for a project, he failed to include statutorily required language in a written contract when providing professional services to a client, and he was negligent in the management of the construction on a project.

RODGER KENT PIERCE (Austin, Texas) Effective December 19, 2005, Rodger Kent Pierce's architect license number C-24825 was revoked. The action was the result of a Default Decision, which was adopted by the Board.

An Accusation was filed against Pierce for an alleged violation of BPC sections 490 and 5577 (Conviction of a Crime). The Accusation alleged that Pierce was convicted of attempted robbery, a third degree felony in Texas, a crime which is substantially related to the qualifications, functions, and duties of an architect.

GARRY RAY TERWILLIGER (Yucaipa)
Effective December 22, 2005, Garry Ray
Terwilliger's architect license number C-21148
was revoked. The action was the result of a
Default Decision, which was adopted by
the Board.

An Accusation was filed against Terwilliger for alleged violations of BPC sections 5536(a) (Practice Without a License or Holding Self Out as Architect), 5536.5 (State of Emergency; Practice Without License or Holding Self Out as Architect), 5583 (Fraud in Practice of Architecture), and 5584 (Willful Misconduct). The Accusation alleged that while his license was expired, Terwilliger executed a written contract to provide architectural services and offered to provide architectural services for a residential structure that was damaged by a natural disaster for which a state of emergency was proclaimed by the governor. He also failed to provide any service to the victim after receiving a deposit, failed to refund deposits, and failed to satisfy a small claims judgment.

Respondent renewed his delinquent license, and in another project, received a deposit to provide architectural services. He failed to provide a complete plan, failed to complete and/or make corrections to the plans, and abandoned the project.

#### **CITATIONS**

DAVID NEAL COLOMBO (Santa Rosa)
The Board issued an administrative citation
that included a \$500 civil penalty to David Neal
Colombo, architect license number C-20167,
for a violation of BPC section 5584 (Negligence
and/or Willful Misconduct). The action was
taken based on evidence that Colombo
executed a written agreement to provide

architectural services for a garage and living area addition to a residence and received a retainer from the client for \$1,245. Colombo failed to provide the plans as agreed and failed to return the client's telephone calls, abandoning the project. The citation became effective on October 12, 2005.

PHILIP JAMES DEBOLSKE (Los Angeles) The Board issued an administrative citation that included a \$500 civil penalty to Philip James Debolske, architect license number C-14694, for a violation of BPC section 5584 (Negligence). The action was taken based on evidence that Debolske failed to meet the standard of practice and care by preparing inadequate and incomplete drawings for submission to the Los Angeles City Planning Department and the Historical Preservation Overlay Zone Architectural Review Committee. Debolske paid the civil penalty satisfying the citation. The citation became effective on November 3, 2005.

RAUL FIGUEROA (Garden Grove) The Board issued an administrative citation that included a \$3,000 civil penalty to Raul Figueroa, an unlicensed individual, for violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Unauthorized Practice). The action was taken based on evidence that Figueroa signed a Food Construction Plan Application Form for the Los Angeles Department of Health Services that identified him as the architect for a meat market (a non-exempt project); entered into a contract, which identified him as the architect, to prepare plans for a new taco stand structure (a non-exempt project); and entered into a contract, which identified him as the architect, to design and prepare construction documents for a hall for rent with

kitchen facilities and new restrooms (a nonexempt project). The citation became effective on August 10, 2005.

#### **CHARLES DEWEY GARLAND**

[Cathedral City] The Board issued an administrative citation that included a \$1,000 civil penalty to Charles Dewey Garland, architect license number C-11991, for violations of BPC sections 5536.22(a) (Written Contract) and 5584 (Negligence). This action was taken based on evidence that Garland commenced providing architectural services without an executed written contract and produced a freehand sketch of a new beam and adjacent walls for the project that was below the standard of practice for architecture. Garland paid the civil penalty satisfying the citation. The citation became effective on October 4, 2005.

#### BRIAN L. JOHNSTON (Vacaville)

The Board issued an administrative citation that included a \$500 civil penalty to Brian L. Johnston, architect license number C-7059, for a violation of BPC section 5584 (Negligence). This action was taken based on evidence that Johnston failed to obtain timely approval of a gas station expansion project and failed to complete the construction documents in a timely fashion. Johnston paid the civil penalty satisfying the citation. The citation became effective on August 9, 2005.

TERENCE HAYHING KWOK (Monterey Park) The Board issued an administrative citation that included a \$750 civil penalty to Terence Hayhing Kwok, architect license number C-24796, for a violation of BPC section 5536.22(a) (Written Contract). This action was taken based on evidence that Kwok provided architectural services for a math clinic tutoring center without executing a written contract. Kwok paid the civil penalty satisfying the citation. The citation became effective on August 10, 2005.

ROY STANLEY LATKA (San Francisco)
The Board issued an administrative citation
that included a \$500 civil penalty to Roy
Stanley Latka, architect license number C-7256,
for violation of BPC section 5583 (Deceit). This
action was taken based on evidence that
Latka and his firm entered into a contract with
the State of California to provide services for
the expansion of a state hospital. A security
consultant/systems engineer submitted a
proposal to the firm for its portion of the work,

and this proposal was included in the firm's proposal, which the state approved. Latka and the firm then advised the consultant/ systems engineer that they had to reduce their fees due to negotiations with the state and pressured them for lower fees to enable successful negotiations. The consultant/systems engineer reduced their fees twice at Latka and his firm's advisement. Latka and his firm were deceitful in dealing with the consultant/ systems engineer, falsely claiming that the state was forcing a reduced bid, after Latka and his firm had already been awarded the contract. Latka paid the civil penalty satisfying the citation. The citation became effective on October 19, 2005.

THOMAS L. MURPHY (Los Angeles) The Board issued an administrative citation that included a \$1,000 civil penalty to Thomas L. Murphy, architect license number C-16590, for violations of BPC sections 5536.22(a) (Written Contract) and 5584 (Negligence). This action was taken based on evidence that Murphy commenced providing architectural services without an executed written contract; provided plans that were deficient in quality and completeness, so that they were unable to be approved through plan check; failed to complete plans; and abandoned the project. Murphy paid the civil penalty satisfying the citation. The citation became effective on October 11, 2005.

ROBERT LANE NOBLE (Encinitas) The Board issued an administrative citation that included a \$250 civil penalty to Robert Lane Noble, architect license number C-21574, for a violation of BPC section 5536.22(a)(3), (4), and (5) (Written Contract). This action was taken based on evidence that Noble provided a proposal to provide architectural services for a 34-unit hotel. The proposal did not contain Noble's license number, a description of the procedure that the architect and the client would use to accommodate additional services, or a description of the procedure to be used by either party to terminate the contract. A significant fee dispute with the client was aggravated by Noble's failure to include the written procedure that the architect and client would use to accommodate additional services. The citation became effective on October 26, 2005.

#### LEGISLATION

## Settlement Report Statute Revised

egislation signed by Governor
Arnold Schwarzenegger revised
the Board's existing statute regarding
the reporting of settlements and
arbitration awards. Assembly Bill
(AB) 302, Chapter 506 by the
Assembly Committee on Business
and Professions, became effective in
October 2005. The measure was
sponsored by The American Institute
of Architects, California Council.

Perhaps the most prominent change is regarding the trigger for reporting. The law now requires reports of any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award that exceeds \$5,000 against the licensee in any action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture. As such, only settlements that are precipitated by formal legal action must be reported. Previously, all settlements were reportable provided they met the other criteria in the statute.

The Board has communicated with insurance companies regarding the new language, but architects also continue to have reporting responsibilities. Reports must be sent to the Board within 30 days of the architect having knowledge of the triggering event (e.g., settlement). To view the language, visit www.cab.ca.gov.



# architects

California Architects Board 2420 Del Paso Road, Suite 105 Sacramento, CA 95834

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#### CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

#### **Board Welcomes Two New Members**



«« Governor Schwarzenegger appointed Jon Alan Baker, AIA as an architect member of the Board on November 11, 2005. Baker of San Diego has been President/CEO of NTDStichler Architecture since 1997. Specializing in the design of educational and healthcare facilities, Baker has extensive experience with California state agencies, including the Office of Statewide Health Planning and Development, the Division of the State Architect, and the Department of Education. Baker's term expires in June 2009.



«« Governor Schwarzenegger appointed Iris Cochlan as a public member of the Board on September 15, 2005. A resident of El Macero, Cochlan, is senior vice president with Eugene Burger Management Corporation (EBMC). From 1979 to 2004, Cochlan was the chief executive officer and president of Cochlan/Associates Management Co., a real estate property management firm. Cochlan's term expires in June 2008.

#### To Get In Touch With Us